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IN THE U. S. PATENT AND TRADEMARK OFFICE

In re application of

Mikko VIIKARI et al. Conf. 4043

Application No. 10/588,890 Group 2164

Filed: January 5, 2007 Examiner Fazlul QUADER

Title: DATA PROCESSING SYSTEM

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Commissioner for Patents January 14, 2009
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Appellants request a pre-appeal brief review of the final rejection in the above-identified application. No amendments are being filed with this request.

A Notice of Appeal is filed herewith.

The review is requested for the reasons advanced on the attached pages.

Respectfully submitted,

YOUNG & THOMPSON

/Liam McDowell/

Liam McDowell, Reg. No. 44,231
Customer No. 00466
209 Madison Street, Suite 500
Alexandria, VA 22314
Telephone (703) 521-2297
Telefax (703) 685-0573

REASONS IN SUPPORT OF REQUEST FOR REVIEW

Claims 33-55 and 57-60 are pending in the application.

Claims 33, 43, 44, 53, 54, 55 and 60 are the independent claims, and each of these claims is the subject of the present request for a pre-appeal brief review.

Claims 33-55 and 57-60 were rejected under 35 U.S.C. 103(a) as being unpatentable over SORVARI et al. U.S. Publication No. 2004/0043758 in view of BARRY et al. U.S. Publication No. 2005/0216421.

As set forth in paragraphs [0003] and [0004] of the present application, a problem with data processing systems exists in that a computer can generate technical data related to the size, structure and transmission format of the information being processed, but a computer cannot efficiently process information on the basis of the significance attached to its content by the person using it.

To be able to fetch and browse digital data elements automatically, metadata need to be added to them, i.e. information about the data and especially about its content. There are two approaches to providing contentual metadata: the metadata can be automatically generated from the information or the user processing the information can be asked to attach, i.e. annotate, the metadata manually.

The present invention is related to the latter, while the primary reference to SORVARI is related to the former, i.e. automatic generation.

Claim 33 is representative and recites that output means are arranged to output to the user at least a part of the content of a data element in connection with at least one selection option for selecting the name information of a subscriber for attaching person-based metadata that identifies the subscriber to the data element.

In contrast, as set forth above SORVARI metadata is generated automatically. Thus, contrary to what is recited:

- the metadata of SORVARI is not generated by a selection of the user of the wireless device;

- no selection option for selecting the name information of a subscriber is output in SORVARI.

Thus, a first clear factual error exists in that SORVARI does not meet each of the features of the recited output means.

Claim 33 further recites input means for receiving as input information from the user.

Paragraph [0048], noted in the Official Action discloses a conventional SIM card, but no input means for receiving as input information from the user.

Thus, a second clear factual error exists in that SORVARI does not meet each of the features of the recited input means.

Furthermore, the metadata disclosed by SORVARI does not meet the recited "person-based metadata that identifies the subscriber to the data element".

The Official Action offers paragraphs [0035] and [0038] in support of "person-based metadata that identifies the subscriber to the data element".

These paragraphs are reproduced below in their entirety:

> [0035] FIG. 13 is a functional block diagram of an example of a wireless device, a server, and a web server, and their interaction when exchanging a metadata vector and privacy control data and when exchanging a context-activity pair and associated recommendations;
>
> [0038] FIG. 14C is an exemplary network process flow diagram of an alternate embodiment, in which the context-activity pair information sent by the wireless device to the network server, includes the metadata vector, where the network server can then assist the wireless device in determining the mobile device's current context, as well as the server sending the resultant service recommendations back to the wireless device;

Paragraphs [0035] and [0038] merely mention a metadata vector. This appears to be an indicator that denotes where data is located.

However, neither the Official Action nor the remaining disclosure of SORVARI explains how the metadata vector of SORVARI

would identify a subscriber. Specifically, none of the metadata types mentioned in SORVARI as being applied in the metadata vector of SORVARI provides subscriber information.

Therefore, a third clear factual error exists in that SORVARI fails to disclose "person-based metadata that identifies the subscriber to the data element".

The above-noted deficiencies are not remedied by BARRY. Rather, BARRY fails to disclose any operations involving metadata and thus, is silent on all the respective features applying the person-based metadata as presently claimed.

Independent claims 43, 44, 53, 54, 55 and 60 include similar features and the analysis above regarding claim 33 equally applies to claims 43, 44, 53, 54, 55 and 60 with respect to the corresponding features.

The dependent claims are believed to be patentable at least based on their dependence from an independent claim.

In view of this, it is believed that the rejection of record includes clear factual errors and cannot be sustained and must be reversed, and such is respectfully requested.